

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

NUCLEAR DEVELOPMENT, LLC,

Plaintiff,

vs.

TENNESSEE VALLEY AUTHORITY,

Defendant.

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CIVIL ACTION CASE NUMBER:

5:18-cv-01983-LCB

**PLAINTIFF’S OBJECTIONS TO DEFENDANT’S DEPOSITION DESIGNATIONS**

Plaintiff Nuclear Development, LLC (“ND”) objects to Defendant TVA’s designations of deposition testimony for trial, found at Documents 112, 118 and 122, as follows:

William Johnson

59:11 - 15	Speculation
59:20 - 60:2	Speculation
113:7 - 14	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness.
124:1 - 127:14	Lack of relevance (FRE 401, 402)
129:13 - 130:12	Lack of relevance (FRE 401, 402); speculation; hearsay (FRE 801, 802); lack of personal knowledge (FRE 602).
134:7 - 135:18	Lack of relevance (FRE 401, 402)
136:22 - 137:6	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness; improper legal conclusions.
137:9 - 11	Leading; lack of foundation; undisclosed expert opinions; improper legal conclusions.
138:1 - 139:19	Lack of relevance (FRE 801, 802); speculation; undisclosed expert opinions.

139:19 - 22	Hearsay (FRE 801, 802); undisclosed expert opinions; improper legal conclusions.
139:23 - 140:4	Lack of relevance (FRE 401, 402); speculation.
140:23 - 141:10	Lack of relevance (FRE 401, 402).
142:7 - 23	Lack of relevance (FRE 401, 402).
144:2 - 145:1	Lack of relevance (FRE 401, 402); improper legal conclusions; colloquy by counsel.
149:8 - 23	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness.
150:2 - 16	Lack of relevance (FRE 401, 402).

Sherry Quirk

86:8 – 17	Lack of relevance (FRE 401, 402); speculation.
87:9 – 88:9	Lack of relevance (FRE 401, 402); speculation.
101:15 – 20	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness; lack of personal knowledge (FRE 602); speculation.
102: 2 – 8	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness; lack of personal knowledge (FRE 602); speculation.
103:6 – 8	Lack of relevance (FRE 401, 402); undisclosed witness.
107:13 – 18	Hearsay (FRE 801, 802).
108:9 – 20	Hearsay (FRE 801; 802); lack of personal knowledge (FRE 602); speculation.
112:20 – 113:19	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness; lack of personal knowledge (FRE 602); speculation.
124:6 – 22	Lack of personal knowledge (FRE 602); speculation.

132:8 – 133:6	Hearsay (FRE 801, 802); lack of personal knowledge (FRE 602); speculation.
135:21 – 138:25	Lack of relevance (FRE 401, 402); lack of personal knowledge (FRE 602); hearsay (FRE 801, 802).
140:6 – 141:2	Lack of personal knowledge (FRE 602); lack of foundation; exhibit is best evidence.
141:14 – 142:12	Lack of relevance (FRE 401, 402); lack of foundation.
142:13 – 143:5	Speculation; vague.

Joseph Shea

18:2 – 19:13	Lack of relevance (FRE 401, 402).
19:23 – 21:10	Hearsay (FRE 801, 802).
38:11 – 39:6	Speculation.

Kevin Dutton

30:8 – 25	Lack of relevance (FRE 401, 402); hearsay (FRE 801; 802); Ex. 170 is not a trial exhibit; lack of foundation.
43:4 – 18	Hearsay (FRE 801, 802); lack of personal knowledge (FRE 602); speculation; lack of foundation.
45:24 – 46:16	Lack of personal knowledge (FRE 602).
51:17 – 22	Lack of relevance (FRE 401, 402).
55:9 – 11	Lack of relevance (FRE 401, 402).
57:17 – 59:21	Lack of relevance (FRE 401, 402); hearsay (FRE 801; 802); Ex. 170 is not a trial exhibit; lack of foundation.

Timothy Matthews

17:1 – 7	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
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29:13 – 17	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
32:1 – 10	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
35:1 – 19	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
36:1 – 37:17	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
39:5 – 15	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
39:22 – 40:21	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
41:6 – 42:6	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
49:20 – 51:23	Lack of relevance (FRE 401, 402); attorney-client privilege; misleading, waste of time (FRE 403).
53:15 – 57:5	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
57:18 – 60:12	Lack of relevance (FRE 401, 402); misleading, waste of time (FRE 403).
61:5 – 62:3	Lack of relevance (FRE 401, 402); attorney-client privilege; misleading, waste of time (FRE 403).
77:9 – 13	Lack of relevance (FRE 401, 402).
80:14 – 82:11	Lack of relevance (FRE 401, 402).
86:14 – 92:1	Lack of relevance (FRE 401, 402).
96:22 – 98:14	Lack of relevance (FRE 401, 402).
100:8 – 104:15	Lack of relevance (FRE 401, 402).
117:20 – 118:21	Lack of personal knowledge (FRE 602).
118:22 – 126:9	Lack of relevance (FRE 401, 402).
128:5 – 129:5	Lack of relevance (FRE 401, 402).
129:23 – 130:14	Lack of relevance (FRE 401, 402).
132:19 – 135:21	Lack of relevance (FRE 401, 402).
154:14 – 16	Lack of relevance (FRE 401, 402); cumulative.

162:4 – 23	Hearsay (FRE 801, 802); undisclosed expert opinions; undisclosed witness; improper legal conclusions.
166:23 – 170:1	Attorney-client privilege; lack of relevance (FRE 401, 402); colloquy of counsel.
171:10 – 174:13	Lack of relevance (FRE 401, 402).
194:2 – 199:16	Lack of relevance (FRE 401, 402).
231:14 – 232:3	Lack of relevance (FRE 401, 402).
236:15 – 237:7	Request for legal conclusion.
266:1 – 16	Lack of relevance (FRE 401, 402).

Robert Coward

49:3 – 18	Lack of relevance (FRE 401, 402).
83:6 – 84:6	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).
88:20 – 89:18	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).
91:12 – 93:5	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).
94:3 – 95:10	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).
96:5 – 97:2	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).
98:7 – 13	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).
98:21 – 99:4	Hearsay (FRE 801, 802); lack of authentication (FRE 901); lack of relevance (FRE 401, 402).

Marie Gillman

28:15 – 30:8	Lack of relevance (FRE 401, 402).
30:16 – 20	Lack of relevance (FRE 401, 402).
31:14 – 34:5	Lack of relevance (FRE 401, 402).

66:15 – 72:14	Lack of relevance (FRE 401, 402).
73:18 – 74:9	Lack of relevance (FRE 401, 402); lack of personal knowledge (FRE 602).
108:6 – 19	Lack of relevance (FRE 401, 402); hearsay (FRE 801, 802).
112:3 – 113:2	Lack of relevance (FRE 401, 402); hearsay (FRE 801, 802).

Frank Haney, Jr.

26:20 – 27:2	Lack of relevance (FRE 401, 402).
105:3 – 109:15	Hearsay (FRE 801, 802); lack of foundation; lack of personal knowledge (FRE 602); lack of relevance (FRE 401, 402).
117:16 – 119:15	Lack of relevance (FRE 401, 402).
134:11 – 135:2	Lack of personal knowledge (FRE 602); lack of relevance (FRE 401, 402).
136:8 – 137:4	Lack of personal knowledge (FRE 602); lack of relevance (FRE 401, 402).
137:10 – 143:21	Lack of personal knowledge (FRE 602); lack of relevance (FRE 401, 402).
146:12 – 147:5	Lack of personal knowledge (FRE 602).
158:1 – 159:21	Lack of relevance (FRE 401, 402).
167:13 – 170:13	Lack of relevance (FRE 401, 402); hearsay (FRE 801, 802).
171:5 - 179:12	Lack of relevance (FRE 401, 402); hearsay (FRE 801, 802).
180:8 – 181:2	Lack of relevance (FRE 401, 402); hearsay (FRE 801, 802).
195:7 – 197:7	Lack of personal knowledge (FRE 602).

/s/ Caine O'Rear III

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**CERTIFICATE OF SERVICE**

I do hereby certify that, on March 9, 2021, I filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Caine O'Rear III